

U.S. Application No.: 10/781,304  
RESPONSE dated August 10, 2006  
Reply to Election/Restrictions requirement of July 10, 2006

ATTORNEY DOCKET NO.: 3926.067

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REMARKS

In response to the restriction requirement in item 1 on page 2 of the Office action, Applicants elect Group I, claims 21-32, drawn to a process for layer-by-layer production of a three dimensional body, for prosecution with traverse.

Applicants believe that Group II, claims 33-40 define the same invention as claims 21-32. Claims 33-38 define a device for layer-by-layer buildup of three dimensional bodies, namely a device for practicing the process as recited in Group I, claims 21-32. Claims 39-40 define a three dimensional body, namely a product made by the process as recited in Group I, claims 21-32. They are all interrelated and should be examined together. This is well-accepted patent practice as evidenced by, for example, the issued patents Shen (US 7,049,363 B2) and Shen et al. (US 6,600,129 B2).

The Examiner has argued that the process can be practiced by applying a layer of powder particles, by means of a stamping device, upon an extruded substrate. This argument is not understood. It is not clear how a stamping device can be used for dispensing a layer of powder particles.

Since it is believed that claims 21-32 (process claims) and claims 33-40 (device and product claims) are directed to the same invention, the Examiner is requested to withdraw the election/restrictions requirement.

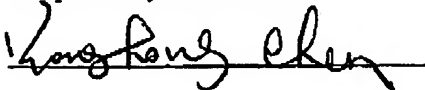
Since the Election/Restrictions requirement was sent by the Examiner to the undersigned counsel by fax on July 10, 2006, no extension fee should be required. However, in case of any fee may be required, please charge it to the deposit account 50-0951.

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Favorable consideration and early issuance of an Office action on the merits are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,



Dated: August 10, 2006

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## UNITED STATES PATENT AND TRADEMARK OFFICE

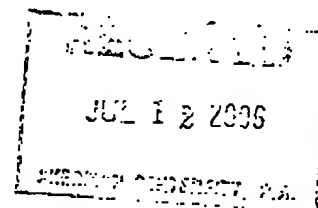
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## Fax Cover Sheet

Date: 10 Jul 2006

To: Yo Ho Chen	From: Lawrence D. Ferguson
Application/Control Number: 10/781,304	Art Unit: 1774
Fax No.: 561-659-8313	Phone No.: 571-272-1522
Voice No.: 561-653-5000	Return Fax No.: 571-273-8300
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:



Number of pages \_ including this page

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Art Unit: 1774

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**DETAILED ACTION**

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*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 21-32, drawn to a process for layer-by-layer production of a three dimensional body, classified in class 156, subclass 284.
  - II. Claims 33-40, drawn to a device for layer by layer buildup of three dimensional bodies, classified in class 427, subclass 96.
2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced by applying a layer of powder particles, by means of a stamping device, upon an extruded substrate.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Stephan Pendorf on 4/26/2006, to request an oral election to the above restriction requirement, but did not result in an election being made.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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Art Unit: 1774

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application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Ferguson  
Patent Examiner  
AU 1774

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/781,304	PFEIFER ET AL.	
	Examiner	Art Unit	
	Lawrence D. Ferguson	1774	

All participants (applicant, applicant's representative, PTO personnel):

(1) Lawrence D. Ferguson. (3) \_\_\_\_\_

(2) Yo Ho Chen. (4) \_\_\_\_\_

Date of Interview: 10 July 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: None.

Identification of prior art discussed: None.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant indicated the relationship of inventions I and II and inventions II and III were incorrect as invention II is an apparatus and not a product. Examiner indicated a supplemental restriction would be sent to Applicant and no response from Applicant is due at this time.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

U.S. Patent and Trademark Office